

## Determination Motive Through the Prism of the General Concept of the Motives of Human Behaviour

Roman V. Veresha<sup>a</sup>

<sup>a</sup>The Academy of Advocacy of Ukraine, Kiev, UKRAINE

### ABSTRACT

This research studies the problems of defining the concept of motive of crime in terms of the psychological concept of motives of human behavior. The purpose of this research is to define the motive of crime (which is yet undefined in spite of the longstanding existence of criminology) and to improve existing scientific theories regarding the motive of crime. The research found that the definition of the motive of crime should include all its distinguishing features: awareness, decisive importance of human needs during the satisfaction of human desires, the correspondence of motives with the set goal, the publicly dangerous nature of actions, motivated in such a way, and the incurrence of criminal responsibility as a result of such actions. This research defines the concept of motive of crime as a conscientious encouragement to achieve the goal, determined by personal needs, which is publicly dangerous and brings criminal responsibility. This subject is of scientific, theoretical, and practical importance, since it offers a comprehensive term that can be used fundamentally in criminology. The novelty of this research is that the definition of the motive of crime concept includes the definition of the motive of behavior and activity, which is offered in psychology, legal psychology in particular, and the main elements of a crime.

### KEYWORDS

Motive of crime, motive of behavior, motive of activity, criminal motive, purpose of crime, classification of crime, publicly dangerous activity

### ARTICLE HISTORY

Received 12 March 2016  
Revised 19 June 2016  
Accepted 28 June 2016

## Introduction

In recent years, the opinion that the person is the core and center of study of any jurisprudence institutions, including criminal law, has been expressed more often, since the person is the bearer of social relations that form the entire scope of his or her life. In this respect, it is worth noting that the subjective factor plays the main role in human activity; this factor affects the course and nature of behavior. This subjective factor is the motive as the most constructive and defining factor.

In general, the issue of motives and motivation of human behavior is studied by many branches of science: philosophy, psychology, sociology,

**CORRESPONDENCE** Roman V. Veresha  rveresha777@mail.ru

© 2016 Veresha. Open Access terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>) apply. The license permits unrestricted use, distribution, and reproduction in any medium, on the condition that users give exact credit to the original author(s) and the source, provide a link to the Creative Commons license, and indicate if they made any changes.

psychiatry, jurisprudence, etc. In terms of criminal law, the motive of human behavior is defined from the perspective of the influence of the subjective factor on the criminal act (criminal behavior). Many criminal and legal studies investigated the mens rea, including the motive and motivation of criminal behavior. However, these studies have ignored certain problematic aspects of the motive of crime. These include the definition of the motive of crime through the concept of motive of human activity in the general philosophical and psychological meaning.

In addition, criminal studies of motives and motivation of criminal behavior are important for international criminology, since they allow development means of prevention of international crimes by persons prone thereto.

### **Literature review**

A.V. Savchenko's monograph "Motive and Motivation of Crime" (2002) is the result of a study of general psychological, criminal-legal, and criminological aspects of the definition of the motive (of crime with regard to legal science) concept. Savchenko defined the motive of crime concept from the perspective of purely criminal and legal elements and did not include the psychological aspects of motives.

The thesis of O.M. Podilchak (2004) "Motives and Motivation of Crimes Committed by Women" not only defines the general concept of motive in psychology, criminal law, and criminology, and its elements, but also determines the peculiarities of motives and motivation from the perspective of gender aspects. However, a large part of the research is devoted to determining the general aspects when defining the motive of crime, while the definition of the motive of crime concept takes into consideration its general psychological features.

Besides the abovementioned studies devoted to issues related to the motive of crime, it is worth noting the general criminal-legal studies that were used in this research as groundwork for answering questions of more specific nature related to the definition of the motive of crime. These include the studies of P.M. Tarnovskaya (1902), Ya.M. Braynin (1963), A.A. Piontkovsky (1970), S.A. Tararukhin (1977), and V.I. Gladkikh & V.S. Kurcheyev (2015). These studies suggest considering the motive of crime in the context of the determination of mens rea its facultative elements.

It is necessary to mention the researchers who studied the general psychological aspects of motive definition: A.T. Moskalenko & V.F. Serzhantov (1984) and Yu.B. Dormashev, S.A. Kapustin, V.V. Petukhov (2013). Despite the different definitions of the motive of behavior, most researchers emphasize the decisive meaning of this problem when determining the motive of human activity.

Other noteworthy studies are those of W. McDougall (1923), S. Freud (1949), C.L. Hull (1952), G. Allport (1961), L.A. Maslow (1970), A.M. Myers (1978), A. Ashworth, L. Zedner & P. Tomlin (2013), S.K. Ciccarelli & J. N. White (2014), L. Travis & B.D. Edwards (2015), and others. Although these works lack the definition of the motive of behavior, they describe certain peculiarities or distinguishing features of human behavior.

In spite of the large number of general studies devoted to the analysis of mens rea and specifically the motive or motivation of crime as one of its

elements, a number of issues remain unsolved. One such issue is the definition of the motive of criminal activity with regard to the definition of the general philosophical and psychological concept of motive of human behavior. By including studies of this subject in all scientific branches, it is possible to provide the fullest definition of the motive of crime, which would cover all its elements.

### ***Aim of the Study***

The aim of this study is to define the concept of motive and crime and its distinguishing features based on the opinions of this concept that exist in the doctrine of criminal law and psychology.

### ***Research questions***

The key research questions are as follows:

- Investigation of the significance of the motive of crime for the penalty in laws of different countries;
- Existence of publicly beneficial identification of the motive of crime;
- Determination of the possibility of developing a single international interpretation of the motive of crime.

### ***Methods***

The research of the motive of crime and criminal behavior used a set of general scientific and special research methods. The methodological framework of the research includes the following methods:

- systems-structural method or method of structural analysis – used to define the concept of motive of criminal human behavior in criminal-legal and criminological sciences and the concept of motive of human activity in other scientific branches (psychology, philosophy, etc.);
- historical method – used to investigate the development of scientific opinions regarding the definition of motives of human behavior and motives of criminal activity in various historical periods of development of legal and other sciences;
- comparative method – used to compare the general concept of the motive of human behavior, the criminal-legal concept of motive of criminal behavior, and opinions of various researchers regarding the definition of the motive of crime;
- logical-legal or dogmatic method – used to analyze the standard definition of motives within the framework of criminal law in cases when it affects classification of the crime;
- dialectic (dialectic materialism) method – used to investigate the motive of criminal activity in its unity with the motive of human behavior in general, from the perspective of its development and unity with and simultaneous difference from the motive of human behavior;
- generalization method – used to generalize the studied material and provide the most accurate definition of the motive of criminal behavior.

The scientific methods were used in interrelation and interdependence, which provided for a comprehensive and objective behavioral study and substantiated theoretical conclusions and practical recommendations.

It is worth noting that the choice of methods was predetermined by the research object – the motive of criminal activity in its development and interdependence with the philosophical and psychological definition of the motive of human behavior.

In addition, this research includes the monitoring of the legal system of countries with different levels of development (USSR, Poland, the Russian Empire, Italy, Austria, and France) in different periods of their existence in terms of their interpretation of the motive of crime.

### **Data, Analysis and Results**

The motive of crime concept should include all the features of this definition, namely: awareness, decisive importance of human needs during the satisfaction of human desires, the correspondence of motives with the set goal, the publicly dangerous nature of actions, motivated in such a way, and the incurrence of criminal responsibility as a result of such actions. Therefore, it is possible to argue that all the concepts of motive of crime that exist in the science of criminal law and criminology (both modern and past) are inaccurate, since they do not include all the above features of the motive of crime as a criminal-legal concept. Therefore, the existing definitions of the motive of publicly dangerous activity are incomplete and, to an extent, one-sided. However, the answer to the question "Is the identification of the motive of crime publicly beneficial?" is positive.

This research offers an original definition of the motive of criminal activity, which includes all its features and meets all the requirements to accurate definition; this definition can be considered more or less universal in criminal-legal science. This definition allows answering one of the questions of this research ("Is a single determination of the motive of crime possible?") and solving the problem of the vague and abstract nature of the very concept of motive in the national doctrine of criminal law. A concretized motive of crime concept will allow determining all the elements of the criminal act more accurately, which will help to classify the crime correctly and to give an appropriate sentence.

Psychology interprets a motive of activity as conscientious encouragement to achieve the goal and awareness of the personal necessity of satisfying personal needs. According to concept that is common in legal literature, including legal psychology, the motive of crime is a mental phenomenon that encourages a person to commit a publicly dangerous act and serves as its cause. The original definition of the motive of crime is based on these interpretations: the motive of crime is a conscientious encouragement to achieve the goal, determined by personal needs, which is publicly dangerous and brings criminal responsibility.

This definition differs from existing ones, since it includes all the above features of this concept; in addition it is made from the perspective of the psychological definition of the motive of human behavior. Despite the difference from most definitions of the motive of crime in legal literature, this definition emphasizes the publicly dangerous nature of encouragement, determined by personal needs, which is especially important, considering public danger as the main specific element of crime.

In addition, the indication of public danger in the definition of the motive of crime corresponds with a number of provisions of the criminal laws in some countries, which provide for obligatory determination of the motive when classifying each crime and ordering the penalty. The analysis of the laws of said countries (which interpret the motive of crime with regard to punishment differently) proved that the offered definition of the motive of crime concept does not contradict the interpretation of motive in foreign doctrines of criminal law in most countries. Furthermore, a clear definition of this concept, which includes all its features provided by foreign criminal law, allows using this definition beyond the said countries.

This research also analyzed the peculiar features of the definition of the motive of crime in the criminal-legal science and criminology, which found that the motive of crime is a mental phenomenon that encourages a person to commit a publicly dangerous act and serves as its cause.

Special attention was paid to the general (psychological) definition of the motive of human activity (behavior), which interprets it as conscientious encouragement to achieve the goal and awareness of the personal necessity of satisfying personal needs. The necessity of developing a new concept of the motive of crime was found and proven, since all existing definitions of this concept, both legal and psychological, are incomplete and do not include all the features of the motive.

This research will not put an end to the scientific discussions in the doctrine of criminal law regarding the definition of the motive of crime. However, this definition will help to understand more clearly the essence of the motive of crime and allow to determine the motive of a specific crime more accurately, which answers the research question "Will the interpretation of the motive of crime affect the subsequent penalty?" and facilitates the relevant classification of crime.

### Discussion and Conclusion

Before analyzing the existing opinions of criminal studies regarding the definition of the motive of crime and the general definition of the motive of activity, it is worth noting that the correct determination of the motive of a crime affects the classification of the publicly dangerous act, subsequent order of the penalty, and, ultimately, the life of a person. The determination of the motive in practice, including in criminal procedures, faces both practical and theoretical difficulties. According to researchers, these difficulties are related to the objective reality of the human psyche, since any action is guided by many motives.

Hypothetically, even if determining the motive of behavior is impossible, a person can indicate the goal he or she aimed to achieve from the activity. The goal is essentially a will; when there is a will, there is a possibility to analyze the behavior of an individual and determine his or her motivation. Therefore, according to Soviet criminology, the motive that was determined during the prejudicial inquiry had to correspond with the goal of the crime and be a logical supplement of the committed act. Although the motive of crime is not an obligatory element of mens rea, but rather affects the classification of the crime, only when indicated by a regulation, wanton crimes do not exist and neither does wanton behavior.

In particular, considering the significance of the motive, most researchers of criminal law emphasize the decisive role of the motive of crime in the course of the criminal procedure, classification of the crime, determination of characterological traits of the criminal, and subsequent influence on the convict (Ashworth, Zedner & Tomlin, 2013). The study of the motive of crime in criminal-legal science emerged in the nineteenth century. Most works devoted to this problem date back to the twentieth century.

The studies of P.M. Tarnovskaya (1902) that investigated female criminality were published during this period. Tarnovskaya argued that an effective fight against crime required studying the etiology of this phenomenon, determining the motive of crime, and tracing the complex mental procedure that made the person to commit the act. Other researchers also emphasized the definition of psychological awareness of the act by determining the motive of crime clearly, which explains its emergence. This proves the need to define the motive of crime concept through the psychological and philosophic definition of the motive of human behavior.

Unfortunately, in Soviet times, the interpretation of the motive of crime concept did not include its psychological aspect, which was the reason behind its inaccurate definition. An example of this is the definition of A.A. Piontkovsky (1970), who argued that motive is encouragement that the person follows when committing certain actions or refraining therefrom, which supported the opinion of Ya.M. Braynin (1963) that the motive was a feeling (experience) that transformed into an impetus to criminal behavior.

Similar definitions were also given by authors of more recent studies. S.A. Tararukhin (1977) interpreted the motive of crime as an awareness of encouragement (desire) to commit a concrete purposeful publicly dangerous act (act of will) that is included in the criminal law. This definition reduces motives to those defined in the criminal law. However, this definition implies the motives that affect the classification of the crime and subsequent penalty, i.e. this is a criminal-legal concept that is based directly on the criminal law. Therefore, this definition narrows down not only the motives of crime, but also the interpretation of the motive of crime, since it discards all other motives of human behavior that could encourage a person to commit a crime.

Modern criminal-legal science has not yet developed a new definition of the motive of crime. For instance, the motive of crime is regarded as an internal encouragement to commit a publicly dangerous act. This definition obviously echoes that of S.A. Tararukhin (1977) and does not introduce new content to the interpretation of the motive.

The concept of motive of crime is studied in terms of not only criminal law, but also criminal procedural and criminological science. The criminal procedure does not give a concrete definition of the motive of criminal behavior; it only stresses that the motive is not a facultative element in the criminal procedural law – motive exists in any crime. This is why one of the requirements of the criminal procedure is for the motive of crime to be proven for each investigated crime (whether by action or inaction, intentionally or due to negligence).

The term “motive” derives from the Latin “morus”, which means “movement” or from Greek “moveo”, which means “that which moves”. This term is used to denote a range of various factors that affect any activity, i.e. cause the activity (Vetrov, 2015). This term also had several meanings in psychology: need;

goal, intent; characteristic of a personality; emotional state of a person (Ciccarelli & White, 2014).

According to A.V. Savchenko (2002), foreign (western) psychology investigates the problem of motive within various theories and concepts that include many schools and directions of psychology: introspective psychology, psychoanalysis, behaviorism, gestalt psychology, etc. In terms of the essence of the motive of activity (behavior), some scientists, including S. Freud (1949) equated motive to desire; other scientists considered motive an instinct (McDougall, 1923) and a drive (Hull, 1952). A. Maslow (1970) defined the motive of behavior with such psychological concepts as the need for self-actualization.

In general, western psychology does not contain the motive of behavior (activity) concept in the acceptable sense; neither does the criminal law contain the motive of crime concept (Ciccarelli & White, 2014). The motive is often associated with the realization of sexual needs and desires. This opinion was shared by several researchers – R. Whalen (1977), A. Myers & H. Lips (1978) – who studies the motivational sphere from the perspective of sexual desires, needs, sexuality, etc. It is probably erroneous to associate the motive of behavior with the realization of these wishes and desires only.

The dispositional direction in psychology is represented by G. Allport (1961), who argued that there was not common scheme for all motives and that they functioned uniquely in the life of each individual. Allport reasoned that each person is unique and distinguished by certain individual traits (dispositions) – characteristics that determine and guide the person's behavior. It is hard to agree with this concept, since in spite of individuality, the general drive for certain actions does exist; furthermore, it determines the behavior of everybody and each person at the same time.

In terms of gestalt psychology, this direction also lacks a definition of the motive of activity concept – it only notes that no motive is the main motive, that each action has multiple reasons (Travis & Edwards, 2015). Indeed, each action is motivated differently. However, the lack of a general definition of the motive of behavior (activity) concept is a considerable gap in the theories of gestalt psychology in general.

The science of criminal law has several definitions of the motive of crime from the perspective of the psychological definition of the motive of human behavior (activity). For instance, O.M. Podilchak (2004) interprets the motive of crime as the product of interiorization of external factors and their correlation with internal needs and attitudes of a person, which forms an urge that serves as the basis of human activity.

Many more theories exist regarding the definition of the motive of crime and its essence in western psychological literature. However, they all confirm the assumption that they lack the concept of motive of activity. In most western theories, motives are investigated through the biologization of their essence, neglect of the effect of social determinants, and use of idealistic and metaphysical research methods (Coon & Mitterer, 2012). All this ultimately prevents from taking a scientific approach to solving the problem of the motive of human behavior and activity.

In terms of the psychological theory of national scientists and those of post-Soviet countries, as well as Soviet researchers, this research agrees with A.V.

Savchenko (2002), who argued that they accumulated the data required to further specify certain scientific opinions and, consequently, to study the problem of motives more extensively.

For instance, the common psychological definition of the motive is that of a factor that encourages a person to act by being reflected in the consciousness and aiming the person at satisfying a specific need (Dormashev, Kapustin & Petukhov, 2013). The motive is a concretized need that manifests in this or that object. The definition of the motive as an internal encouragement that forms under the influence of human needs and interests is similar to the last one. In general, all the above definitions are close, because they define the motive as a factor that encourages a person to act in order to satisfy a specific need.

Legal psychology defines the motive as a conscientious desire to act in order to satisfy needs, interests, and other encouraging stimuli. Another definition is that the motive is a conscientious motivation to achieve a goal, a conscientious personal necessity; i.e. the motive is a conscientiously formed and conceptually complete motivation. In general, these definitions of the motive seem reasonable, since they mention its distinguishing features – awareness, encouragement to act in order to satisfy needs, and the achievement of a goal.

In terms of the above definitions, O.M. Podilchak (2004) argues that one cannot deny the existence of unawareness elements of motivation that manifest as instinctive reactions of self-defense, protection of the organism's integrity, etc. This research supports the existence of such motives, but they are not directly related to the definition of the motive of crime concept. When it comes to self-defense, the protection of other people or the environment, these actions are related to the institution of relations, which include criminal acts (necessary defense and extreme necessity) and do not bring criminal responsibility (with the exception of cases when the boundaries of necessary defense and extreme necessity are exceeded). Therefore, the characteristic of unawareness should not be included into the definition of the motive of crime concept, but it should be taken into account when determining specific criminal-legal situations.

According to the definition of the motive of crime from the perspective of legal psychology, a *compos mentis* person is always aware of the goal of his or her activity and the means that he or she uses to achieve said goal; therefore, such a person is responsible for his or her decisions, choice of motive of activity and the activity itself, and the results of this process.

Thus, it was found that the formation of the motive of human behavior is based on this or that need (or a combination thereof). Many studies have investigated the definition of human needs, their distinguishing features, and correlation with the motives of behavior. However, due to the limited size of this paper, the research will not analyze them. Suffice to say that the following classification of human needs is the most common one:

- 1) individual-organic (the need for food, clothes, place to live in, safety, and other basic living conditions);
- 2) family (sexual needs, parental instinct, care for family, need for communication with relatives, etc.);
- 3) cognitive and active needs (cognitive and psychological);
- 4) social needs of prestige, sympathy, self-expression, justice, etc. (Moskalenko & Serzhantov, 1984).

Another aspect that should be covered in respect to human needs as the foundation for the emergence of the motive of crime is the social evaluation of such needs. According to researchers, the formation of the motive of crime is preceded by deformed and distorted personal needs, and an inadequate hierarchy of actualized needs (Ciccarelli & White, 2014). Therefore, the personal need is decisive for the formation of the motives of personal behavior.

After determining the main directions of psychology in the definition of the motive of human behavior concept and the motive of crime concept, which were mentioned above, it is possible to define the motive of crime with regard to the definition of the motive of human behavior concept. However, it is necessary to cover several other important moments.

How do motives of crime differ from those of legal behavior? This difference is characterized accurately by the notion that the criminal motive is related to immoral and socially unacceptable needs and respective urges. Such needs do not inevitably cause the person to commit an illegal publicly dangerous act – the person may satisfy them in a legal way, although this way may be socially unacceptable. However, the motives that cause the person to commit a crime can reside in the plane of morally acceptable categories: to support the family, to help relatives or close people, etc. Therefore, it would be more accurate to use the term “motive of crime”, rather than “criminal motive”.

When a person is aware of the motive of his or her activity, he or she is also aware of its ultimate goal. Unawareness of the motive causes a lack of understanding of the results of one's activity and unreasonable management of one's actions. When formulating the motive of crime concept, it is necessary to emphasize the awareness thereof, its urging function, and the correspondence of the motive to the goal of the committed crime. Thus, the motive of crime is significant only in case of conscientious, i.e. intentional crimes.

This research does not agree with this definition for a number of reasons. Firstly, it is impossible to define one concept through another one (which will then have to be interpreted as well): for instance, it is necessary to define the term “interiorization” separately. Secondly, this definition does not mention the obligatory awareness of needs and attitudes. Thirdly, the author does not emphasize the fact that this motive is aimed at achieving the publicly dangerous goal, while the results of an activity motivated in such a way bring criminal responsibility.

According to A.V. Savchenko (2002), the motive of crime is an integral mental phenomenon that encourages a person to commit a publicly dangerous act and serves as its cause. This definition differs from the abovementioned ones and is of interest when defining the motive of crime through the psychological concept of the motive of human behavior. However, this definition cannot be used as a basis, since it is complicated by such terms as “integral” and “mental phenomenon”, which have to be interpreted separately. A scientific definition should not be too complicated to comprehend – it should be clear, understandable, and as universal as possible.

In terms of the definition of the motive of crime in foreign criminal law, it is also worth noting the lack of a single definition of the motive of crime. The terms “motive” and “need” are sometimes equated.

In general, different branches of science (law, psychology, sociology) often associate the concept of motive with needs, interests, and goals, arguing that they are elements of the motive.

In particular, the criminal law of the Russian Empire interpreted the motive of crime as internal urges, caused by certain needs and interests, which induce in the person the determination to commit a crime and guide the person during the action.

According to the criminal law of the Republic of Poland, the court is obliged to choose the type and amount of penalty taking into consideration the motive of the committed crime, which emphasizes the fact that the motive of crime has a significant effect on the level of public danger that determines the penalty for the crime.

The same can be said about the criminal law of Italy, in which the motive is part of mens rea, which the court has to evaluate when deciding on the penalty in each specific case. In the criminal law of Austria, the order of the penalty takes into account the urging motives that could emerge in the person.

The definition of the motive of crime concept is also complicated in other countries. The presence of a more or less accurate definition of the motive or the lack thereof is caused primarily by the important role the motive plays in the criminal and criminal-procedural law. Criminal law and courts in most European countries generally follow the principle of "indifference of motives", which means that the motive is not important when classifying the crime. However, in certain cases, despite this principle, the criminal law of foreign countries takes the motive into consideration as a special element of mens rea of certain crimes, although such examples are few and far between, while the motive can be expressed with such terms as "intent", "interest", "cause", etc.

For instance, German researcher T. Fischer (2015), while not offering the definition of the concept motive, defined the concept of base motives: the urge to impress accomplices or demonstrate special presumptuousness, one's mood or general treatment of persons as unimportant objects. This concept of motive is closer to the concept of immorality. The criminal law of France considers the concept of motive together with the concept of general and special intent. The differentiation of these two concepts is one of the most actively discussed topics in the criminal and legal doctrine of France.

The research found that the determination of the motive is not the goal, but an investigation method, which may or may not be used. This differentiation of criminological approaches is not ideal and requires major development.

#### Implications and Recommendations

Modern studies note that both psychological and legal sciences have not developed a conclusive definition of the motive of human behavior (activity) or the motive of crime (Savchenko, 2002). It is also worth noting that the definition of the motive of crime from the perspective of the psychological understanding of the motives of human activity is also underdeveloped. For these reasons, the scientific value of this research is determined as an evolutionary development in the humanization and objectification of criminal law.

Defining the motive of crime through the general definition of the motives of human activity has both scientific and practical value. The consideration of these developments not only in criminal law when determining the subjective

urges, which will allow defining the concept of the motive of crime more accurately in criminal-legal science, which, in practice, will enable not only understanding better the subjective factors that cause criminal behavior, but also when determining the features of the behavior of a person prone to committing crime, i.e. it will have a preventive function.

The analysis showed that neither legal (including criminal-legal) nor psychological science has a universal definition of the motive of crime and the motive of human activity (behavior). This complicates not only the determination of the distinguishing features of this concept, but also the practical use of the motive of crime concept when determining the motive and goal of the activity, which is a necessary stage of the procedure.

In criminal law, the definition of the motive of crime is generally reduced to the conscientious or subconscious encouragement of human activity by various internal factors; the term need is often used. Emphasis is placed on the need as the driving force of the formation of motive; the criminal nature of such a motive is ignored.

It was found that the definitions of the motive of crime did not mention that it caused publicly dangerous actions and bring criminal responsibility. This research also encountered the concepts of this criminal-legal category that are defined through other concepts (for instance, mental phenomenon) and unreasonably complicated with other concepts (for instance, interiorization, integration, etc.).

In psychology, the concept of the motive of human activity (behavior) is defined as a conscientious encouragement to achieve the goal, while being aware of personal needs. According to criminal psychology and criminal-legal science, the key moment in the definition of the motive of crime is the person's satisfaction of his or her personal needs during the activity. Most researchers believe that the needs determine the direction, type, and nature of the motive, and can make such a motive criminal.

The definition of the motive of crime concept should indicate the following features: awareness, decisive importance of human needs during the satisfaction of human desires, the correspondence of motives with the set goal, the publicly dangerous nature of actions, motivated in such a way, and the incurrence of criminal responsibility as a result of such actions.

Considering the above flaws in the definitions of the motive of criminal activity and the determined features of the motive of publicly dangerous activity, this research offers an original definition of this concept, which differs from the ones that currently exist in the doctrine of criminal law. The motive of crime is a conscientious encouragement to achieve the goal, determined by personal needs, which is publicly dangerous and brings criminal responsibility.

This definition is considered the most universal one, since it covers all the indicated features of the motive of crime. In addition, this definition facilitates a more accurate classification of the crime, determining the peculiarities of the guilt (mens rea) of the criminal subject, the use of the principle of crime individualization, etc.

The topic of the research can be developed in various fields of legal science, such as criminology, law, and legal psychology.

#### Disclosure statement



No potential conflict of interest was reported by the authors.

### Notes on contributors

**Roman V. Veresha** is a PhD, Professor of the Criminal and Administrative Law Department, The Academy of Advocacy of Ukraine, Kiev, Ukraine.

### References

Allport, G. W. (1961). *Pattern and growth in personality*. New York: Holt, Rinehart and Winston, 463 p.

Ashworth, A., Zedner, L. & Tomlin, P. (2013). *Prevention and the Limits of the Criminal Law*. Oxford University Press, 363 p.

Braynin, Ya. M. (1963). *The Ground of Criminal Responsibility and Crucial Issues of the Doctrine of Corpus Delicti in the Soviet Criminal Law*: PhD abstract. Kharkiv, Ukraine, 32 p.

Ciccarelli, S. K. & White, J. N. (2014). *Psychology*. Direct access: [gearbox.compsat.org/wp-content/.../2014/07/.../Ciccarelli%20Psychology%203rd.pdf](http://gearbox.compsat.org/wp-content/.../2014/07/.../Ciccarelli%20Psychology%203rd.pdf)

Coon, D., Mitterer, J. O. (2012). *Introduction to Psychology: Gateways to Mind and Behavior with Concept Maps and Reviews* Wadsworth Cengage Learning. New York: Rutledge, 242 p.

Dormashev, Yu. B., Kapustin, S. A., Petukhov, V. V. (2013). *General Psychology*. Moscow: Cogito-Centre, 263 p.

Fischer, T. (2015). *Strafgesetzbuch und Nebengesetze*. München: Beck, 352 p.

Freud, Sigmund. (1949). *The Ego and the Id*. London: The Hogarth Press Ltd.

Gladkikh, V. I., Kurcheyev, V. S. (2015). *The Criminal Law of Russia. General and Special Provisions*. Moscow: Novosibirsk State University, 322 p.

Hull, C. L. (1952). *A behavior system: An introduction to behavior theory concerning the individual organism*. New Haven, Yale Univ, 163p.

Maslow, A. (1970). *Motivation and personality*. New York: Springer, 255 p.

McDougall, W. (1923). *Outline of Psychology*. New York: Springer, 371 p.

Moskalenko, A. T., Serzhantov, V. F. (1984). *The Personality as an Object of Philosophical Study. The Philosophical Theory of Personality and Its Psychological and Biological Foundation*. Novosibirsk: Nauka, 206.

Myers, A. M. & Lips, H. M. (1978). Participation in competitive amateur sports as a function of psychological androgyny. *Sex Roles*, 4, 571-578.

Piontkovsky, A. A. (1970). *Soviet Criminal Law. General Provisions*. Moscow: Nauka, 426 p.

Podilchak, O. M. (2004). *The Motives and Motivation of Crimes Committed by Women*: PhD Thesis. Khariv, Ukraine, 237 p.

Savchenko, A. V. (2002). The Motive and Motivation of Crime. Monograph. Kiev: Atika, 288 p.

Tararukhin, S. A. (1977). *Determining the Motive and Classifying the Crime*. Kiev: High School, 196 p.

Tarnovskaya, P. N. (1902). *Female Murderers*. Saint Petersburg: Fiction Press, 372 p.

Travis, L. F. & Edwards, B. D. (2015). *Introduction to Criminal Justice*. New York, Routledge, 217 p.

Vetrov, D. V. (2015). The Motive and Goal as Elements of Mens Rea. *Provided for in Article 272 of the Criminal Code of Ukraine. Olvia Forum – 2015: Strategies of Black Sea Region Countries in the Geopolitical Space: Theses*, Mykolayiv UA: Petro Mohyla Black Sea National University Publishing House, 10-12.

Whalen, R. E. (1977). Brain mechanisms controlling sexual behavior. In F. A. Beach (Eds.). *Sexuality in Four Perspectives*. Baltimore, 260 p.